

REMARKS

The Board of Patent Appeals and Interferences decision set a new ground of rejection for claims 48-59. Accordingly, Applicants have amended claims 48-59 to provide subject matter supported by the originally filed specification and, in light of the original disclosure, provides metes and bounds which can be fairly ascertained.

Claims 48-59 were rejected under 35 U.S.C. §112, second paragraph as being indefinite and under 35 U.S.C. §112, first paragraph as lacking descriptive support in the originally filed application.

In response to these rejections, Applicants have amended each of claims 48-59 in accordance with language specifically stated in the originally filed specification.

Each of the claims now specifically recite that the gas strut provides a force which "is independent of a load onset trolley and is less than a weight of an empty trolley". Attention is drawn to the specification at page 4, lines 2-7, which indicates that the force of the bias must not exceed the weight of an empty trolley and that the force of the bias is independent of the load on the trolley.

Applicants submit that the previously applied references to Fullenkamp and Lloyd, which have been extensively discussed in the previously filed responses and in the Applicants Appeal Brief, do not have a disclosure whereby the gas strut is able to provide a force independent of a load on a trolley or independent of any load on any object in which a gas strut is used while at the same time being able to apply a force which is less than a weight on an empty trolley or any object on which a gas strut is used in Fullenkamp or a biasing and damping means in the reference to Lloyd.

It is noted that the Board of Patent Appeals and Interferences, at page 13 of the Office Action indicated that Appellants disclosure did not address a traction force or the requirements as specified in claim 48, but indicated that the force discussed by Appellants in the specification is that which is exerted on the

control wheel. It is that force which is specifically recited in each of claims 48-59 and it is quite clear that the objectionable language has been eliminated and the force has been defined with a specificity sufficient to overcome the rejection over the prior art and sufficient to determine the metes and bounds of the claim language to meet the requirements of 35 U.S.C. §112, first paragraph as well as 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that this application be reconsidered and allowed.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037076.43755CO).

Respectfully submitted,

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Vincent J. Sunderdick
Registration No. 29,004

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
VJS:ddd

#368226